

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

HILLARY A. SCHORNACK,)	
)	
Plaintiff,)	8:05CV53
)	
v.)	
)	
BECTON, DICKINSON AND)	MEMORANDUM AND ORDER
COMPANY, a New Jersey)	
corporation organized under)	
the laws of the State of New)	
Jersey,)	
)	
Defendant.)	
_____)	

This matter is before the Court on the motion for summary judgment filed by the defendant Becton, Dickinson and Company (Filing No. 45), filed on November 4, 2005. Plaintiff Hillary Schornack ("Schornack") contends that the defendant, Becton Dickinson ("BD") discriminated against her because of her Type I diabetes, ultimately resulting in her constructive discharge. Schornack asserts her claim under the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* ("ADA") and the Family Medical Leave Act ("FMLA"), 29 U.S.C. § 2601, *et seq.* The Court has reviewed the motion, briefs, evidentiary submissions, and the applicable law and finds that defendant's motion should be denied. Accordingly,

IT IS ORDERED that defendant's motion for summary judgment (Filing No. 45) is denied. Trial of this matter shall commence on **Tuesday, January 17, 2006, at 9 a.m.** as previously scheduled.

DATED this 15th day of December, 2005.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court